

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

BARDOMIANO FERNANDEZ

VS.

**RONALD ERWIN MORGAN
AND RUMA TRANSPORT, LLC**

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1:18-cv-00147

JURY DEMANDED

DEFENDANTS' NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

Please take notice that DEFENDANTS RONALD ERWIN MORGAN AND RUMA TRANSPORT, LLC, hereinafter "Defendants," hereby remove to the Court the State Court action described below, pursuant to 28 U.S.C. §§1332(a)(1), 1441(b)(1) and 1446. In support of the removal and in accordance with codified requirements of 28 U.S.C. §1446(a), (b)(1), Defendants state as follows:

1. Defendants are Defendants in a civil action brought on January 18, 2018, styled *Bardomiano Fernandez vs. Ronald Erwin Morgan and Ruma Transport, LLC*; Cause No. D-1-GN-18-000287 in the 98th Judicial District Court of Travis County, Texas. Pursuant to the provisions 28 U.S.C. §§1441 and 1446, Defendants remove this action to the United States District Court for the Western District of Texas, Austin Division, which is the judicial district and division in which the action is pending.

2. PLAINTIFF BARDOMIANO FERNANDEZ, hereinafter "Plaintiff," contends in the State Court civil action that he suffered injuries and damages resulting from a motor vehicle collision on January 15, 2017. A copy of Plaintiff's Original Petition, Request for Disclosure First Set of Interrogatories, and Request for Production to Ruma Transport, LLC in the State Court civil

action is attached hereto as Exhibit “A.”

3. On February 19, 2018, Defendants filed their Original Answer in the State Court civil action. A copy is herein attached as Exhibit “B.”

4. Defendants have attached all process, pleadings, and orders in the State Court action which have been served upon them, as required by 28 U.S.C. §1446(a), as Exhibit “C.”

JURISDICTION AND VENUE

5. The action is a civil action of which this Court has original jurisdiction under Title 28 U.S.C. §1332 (Diversity Jurisdiction), and is one which may be removed to this Court pursuant to Title 28 U.S.C. §1441. There is complete diversity of citizenship amongst the parties.

6. Plaintiff is an individual residing in Austin, Travis County, Texas. *See* Exhibit “A.”

7. At the time suit was filed, and at the time of this removal action, Defendant Ronald Erwin Morgan was an individual residing in Dade City, Pasco County, Florida. Plaintiff’s Texas citizenship is diverse to Defendant’s Florida citizenship. *Id.*

8. At the time suit was filed, and at the time of this removal action, Defendant Ruma Transport, LLC was a corporation with its main place of business in Eureka, St. Louis County, Missouri. Plaintiff’s Texas citizenship is diverse to Defendant’s Missouri citizenship. *Id.*

9. The Defendants consent to this removal action.

10. Venue is proper in the Western District of Texas, Austin Division, because this district and division embrace Travis County, Texas, the place in which the State Court action is pending.

11. The amount in controversy exceeds the sum of Seventy-Five Thousand and 00/100 Dollars (\$75,000.00), exclusive of interest and costs. Plaintiff alleges damages and monetary relief exceeds One Million and no/100 Dollars (\$1,000,000.00). *Id.*

12. This Notice of Removal is filed within 30 days of Defendants’ receipt of the Plaintiff’s

Original Petition, Request for Disclosure, First Set of Interrogatories, and Request for Production to Ruma Transpot, LLC, and within one year of the commencement of the action, so it is timely filed under 28 U.S.C. §1446 (b)(3), (c).

13. Additionally, this court would have original subject matter jurisdiction of this action under the provisions of 28 U.S.C. §1332 if the action had originally been brought in Federal Court. Accordingly, Defendants may properly remove the State Court action pursuant to 28 U.S.C. § 1441.

14. Pursuant to 28 U.S.C. §1446(d), Defendants served written notice on Plaintiff of the filing of this Notice of Removal and has also served a true and correct copy with the State Court, as required by 28 U.S.C. §1446(d).

Respectfully Submitted,

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By: /s/ Christopher L. Rhodes
CHRISTOPHER L. RHODES
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ATTORNEY FOR DEFENDANTS
RONALD ERWIN MORGAN
AND RUMA TRANSPORT, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 19, 2018, I electronically filed the foregoing with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of below in the manner specified, either via CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic filing.

Jose Luis 'Joe' Lopez
Joe Lopez Law, PC
1502 West Avenue
Austin, Texas 78701

Via Facsimile: (512) 532-7077

/s/ Christopher L. Rhodes
CHRISTOPHER L. RHODES